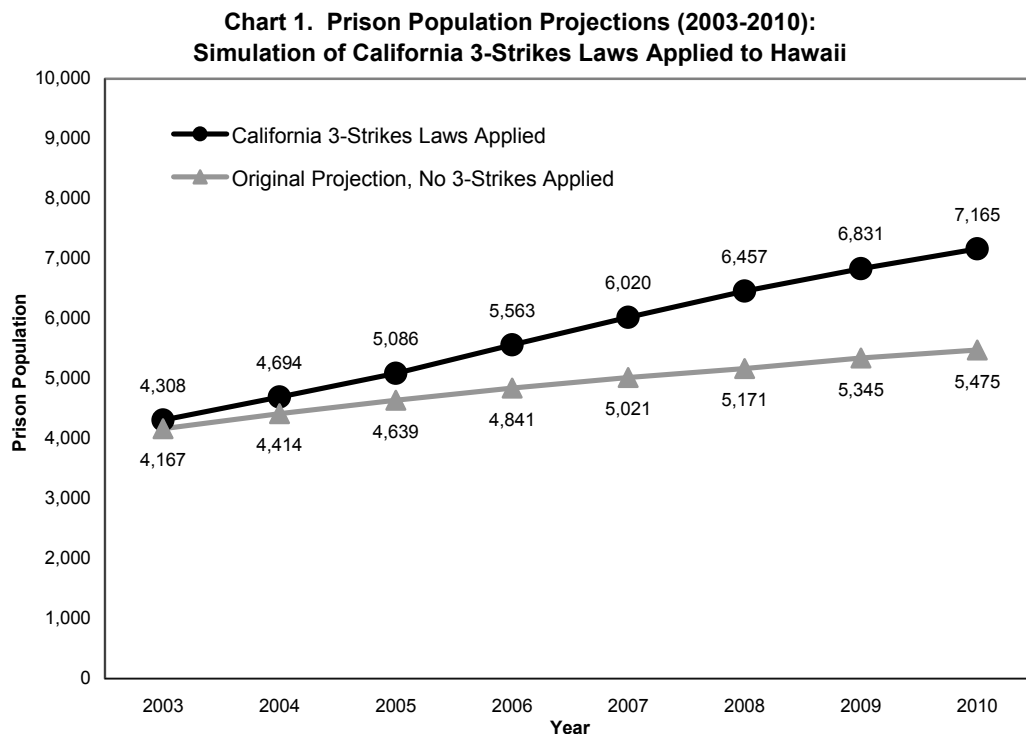**SENTENCING SIMULATION PROJECT (SSMP)**
CORRECTIONS POPULATION MANAGEMENT COMMISSION

SENTENCING POLICY ANALYSIS

Simulation: Application of <u>CALIFORNIA</u> 3-Strikes Laws to Hawaii

Existing Law: Hawaii currently does not have a 3-Strikes Law, though it does have sentencing laws regarding repeat offenders and enhanced terms.

Simulated Sentencing Changes: Application of California's 3-Strikes law with the following conditions: (1) priors are calculated using Hawaii's current law, and (2) 'strikeable' offenses are all felonies. For this simulation, based on California law, sentences for 2 strikes receive a mandatory sentence double the normal sentence length for the current offense, and sentences for 3 strikes receive a mandatory indeterminate sentence with no parole eligibility for 25 years.

Chart 1. Prison Population Projections (2003-2010):
Simulation of California 3-Strikes Laws Applied to Hawaii

Prison Impact: With this law applied, the prison population is projected to increase by 31% by the year 2010. Population increases of this magnitude would continue past 2010.

Parole Impact: The parole population would decrease by 12.5% by 2008. After 2008, the parole population will begin to grow as the rate of releases to parole increases, beginning to approach originally projected rates within 5-6 years. See Chart 3 (next page).

Probation Impact: The felony probation population will decrease by about 7% by 2010. This trend would continue into the future. See Chart 2 (next page).
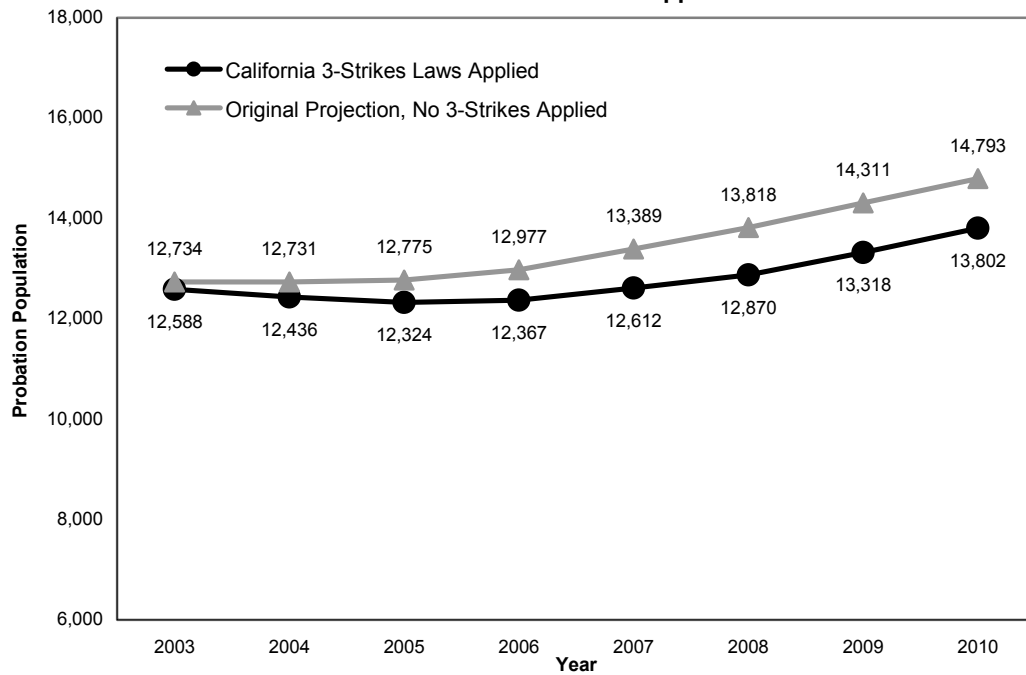

The Sentencing Simulation Project produces an Annual Report that details projected baseline data.
This simulation is compared to those projected data.
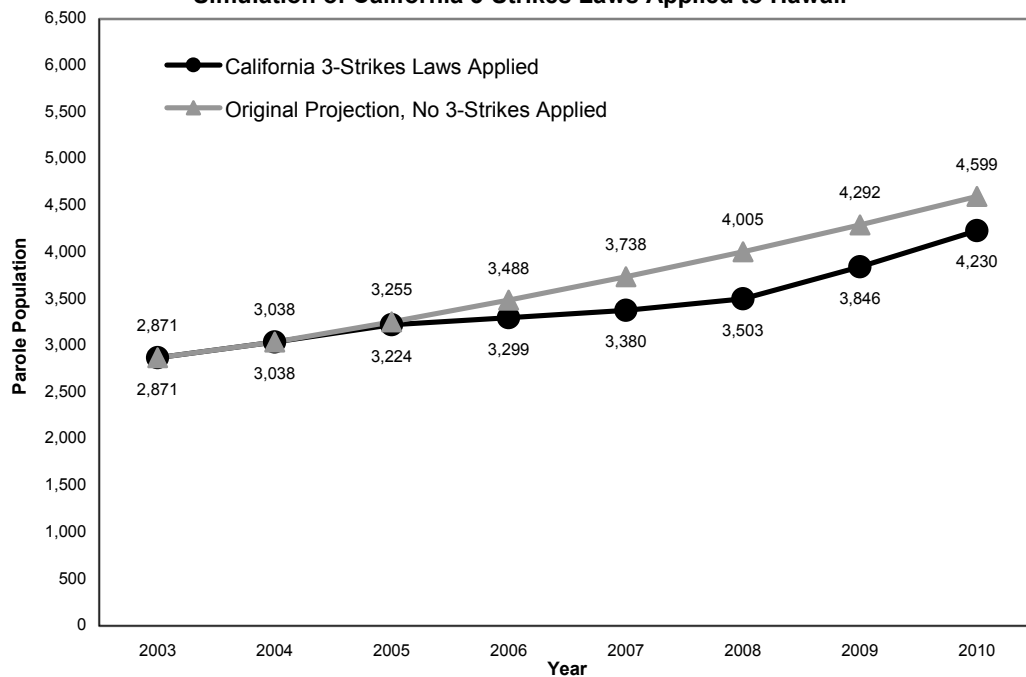**This report is viewable and downloadable on the internet at: http://www.hawaii.gov/psd/cpmc/**

Net Yearly Correctional Population Impacts:

Table 1. Population Impacts	2003	2004	2005	2006	2007	2008	2009	2010
Total felony prison population	+141	+280	+448	+722	+999	+1,287	+1,486	+1,690
Parole Population under Supervision	0	0	-31	-189	-358	-503	-447	-369
Probation Population under Supervision	-146	-295	-450	-611	-777	-948	-994	-845

Chart 2. Felony Probation Population Projections (2003-2010):
Simulation of California 3-Strikes Laws Applied to Hawaii

Chart 3. Parole Population Projections (2003-2010):
Simulation of California 3-Strikes Laws Applied to Hawaii

Population Impacts

This law has two major components that affect the corrections populations: (1) more offenders would be sentenced to prison and less to probation, and (2) sentence lengths of those sentenced to prison would be longer. In terms of population projections, this would mean that the prison population would increase substantially, the probation population would decrease slightly, and the parole population would initially decrease but would begin to increase at normally projected rates within 5-6 years.

TABLE 2. Corrections Population Impacts		2003	2004	2005	2006	2007	2008	2009	2010
Total felony prison population	California 3-Strikes -- projected	4,308	4,694	5,086	5,563	6,020	6,457	6,831	7,165
	original projection	4,167	4,414	4,639	4,841	5,021	5,171	5,345	5,475
	% difference	3.4%	6.3%	9.7%	14.9%	19.9%	24.9%	27.8%	30.9%
Probation Population under Supervision	California 3-Strikes -- projected	12,588	12,436	12,324	12,367	12,612	12,870	13,318	13,802
	original projection	12,734	12,731	12,775	12,977	13,389	13,818	14,311	14,793
	% difference	-1.1%	-2.3%	-3.5%	-4.7%	-5.8%	-6.9%	-6.9%	-6.7%
Parole Population under Supervision	California 3-Strikes -- projected	2,871	3,038	3,224	3,299	3,380	3,503	3,846	4,230
	original projection	2,871	3,038	3,255	3,488	3,738	4,005	4,292	4,599
	% difference	0.0%	0.0%	-1.0%	-5.4%	-9.6%	-12.5%	-10.4%	-8.0%

TABLE 3. Prison Admissions & Source		2003	2004	2005	2006	2007	2008	2009	2010
Total Prison Admissions	California 3-Strikes -- projected	1,614	1,666	1,728	1,770	1,836	1,904	2,004	2,094
	original projection	1,474	1,526	1,596	1,672	1,755	1,836	1,918	1,998
	% difference	9.5%	9.1%	8.3%	5.9%	4.6%	3.7%	4.5%	4.8%
Newly Sentenced Felons	California 3-Strikes -- projected	962	988	1,022	1,058	1,096	1,130	1,160	1,186
	original projection	816	838	868	897	930	958	984	1,006
Probation Revocation, Re-Sentence to Prison	California 3-Strikes -- projected	174	174	176	180	186	192	198	204
	original projection	180	184	190	198	207	216	225	232
Parole Revocation, Return to Prison	California 3-Strikes -- projected	478	505	530	532	554	582	646	705
	original projection	478	505	538	576	618	662	709	760

TABLE 4. Prison Releases to Parole		2003	2004	2005	2006	2007	2008	2009	2010
Releases to parole	California 3-Strikes -- projected	1,066	1,143	1,193	1,154	1,232	1,309	1,510	1,629
	original projection	1,066	1,143	1,224	1,312	1,406	1,506	1,614	1,730
	% difference	0.0%	0.0%	-2.6%	-12.0%	-12.4%	-13.1%	-6.5%	-5.8%

Sentencing & Conviction

By applying this 3-Strikes structure, more offenders would be sentenced to prison instead of probation given their history of priors (an additional 5% would be sentenced to prison). Of those sentenced to prison, it was found that 19.2% would have their normal sentence length doubled, while 3.9% would receive a mandatory indeterminate sentence with no parole eligibility for 25 years.

TABLE 5. Sentencing & Conviction		2003	2004	2005	2006	2007	2008	2009	2010
Sentence to Prison	California 3-Strikes -- projected	962	988	1,022	1,058	1,096	1,160	1,130	1,186
	original projection	816	838	868	897	930	958	984	1,006
Sentences to felony probation	California 3-Strikes -- projected	1,953	2,005	2,076	2,147	2,226	2,294	2,354	2,407
	original projection	2,099	2,155	2,231	2,307	2,392	2,465	2,530	2,587

Differences between this Simulation & California Law: Quantification of priors

As requested, this simulation uses Hawaii's law for calculating priors, instead of California definitions which incorporates lifelong priors. Therefore, this simulation is an underestimate of prison population projections had a mirror of California's 3-Strike law been applied.